





Figure 2. Aerial Image; three smaller parcels have been cut out of the larger parcel in previous splits totaling approximately 6 acres.



Figure 3. The Waterbird Breeding, Migration, Foraging and Wintering Habitat (green), canal/ditch (light blue), Mahogany Creek (dark blue)

## **PROJECT DESCRIPTION**

The proposed Skyline View Ranch Subdivision is a 7 lot subdivision on 144.5 acres of land located at 2000 S 5000 W, southwest of Driggs. The currently property is undeveloped with the only improvement being an irrigation well that currently supplies a center pivot system. There are 3 homes in 3 separate parcels located within/around the southern parcel. Mahogany Creek flows south to north through both parcels and feeds one irrigation ditch flowing west to east on the northern end of the development. There are two access points, one off 5000 W (major collector road) and 2250 N (minor neighborhood road).

The proposed subdivision is within the Waterbird Breeding, Migration, Foraging and Wintering Habitat. Since Mahogany Creek runs through property, the parcel is also included in Wetlands and Waterways Overlay. As part of the preliminary plat application, a Natural Resource Analysis and Wildlife Habitat Assessment will be required. Building envelopes may be required due to the findings of the NRA and a Nutrient Pathogen assessment may also be required at Preliminary Plat.

## **PROJECT BACKGROUND & REVIEW HISTORY**

**Pre-application:** A pre-application conference form was received and reviewed on March 8, 2022.

**Concept Review:** The first step in the subdivision process is a Concept Plan Review (9-3-2B). This proposal was brought to Planning and Zoning Commission on November 8, 2022. The following motion was given:

Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) can be satisfied I move to APPROVE the Concept Plan for Skyline Ranch View Subdivision Concept Plan as described in the application materials submitted May 27<sup>th</sup>, 2022 and as updated with additional applicant information attached to this staff report.

The following conditions of approval were listed on the staff report:

1. Work with Fire Marshal to provide additional details on fire suppression water source before completing Preliminary Plat application. **Fire marshal needs to confirm proposed flow rate system at the hydrants.**
2. Obtain access permits for W2250S and S5000W.

**PRELIMINARY PLAT LAYOUT:**

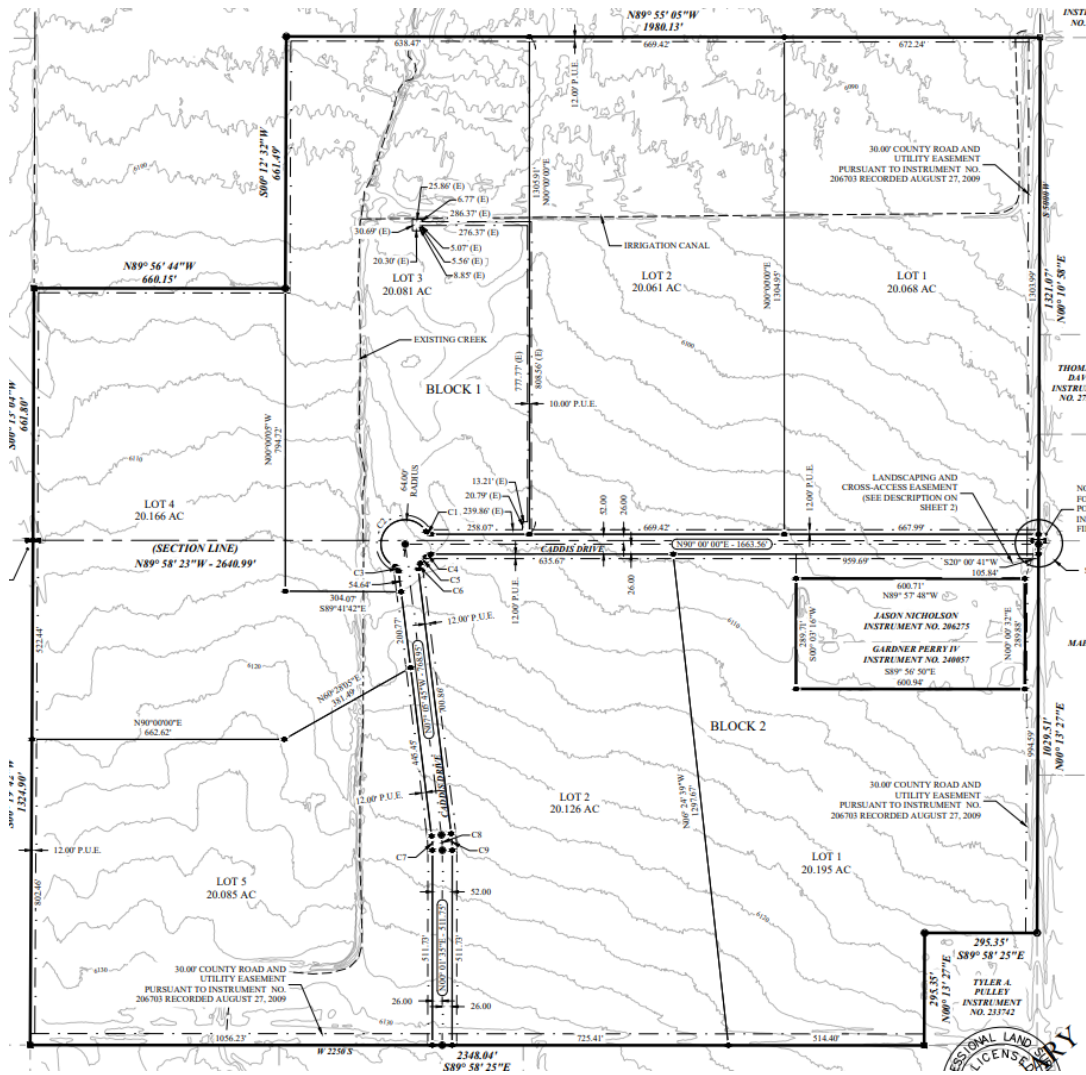


Figure 4. Preliminary Plat

**OVERVIEW OF PRELIMINARY PLAT APPROVAL (9-3-2-C):**

The preliminary plat phase is a two-step process with review by both the Planning and Zoning commission and Board of County Commissioners, where the fact-finding details and specific requirements of the ordinance and law are determined. All of the issues surrounding required infrastructure will be resolved, or have a clear solution acceptable to the County, before scheduling the final plat review.

The preliminary plat review was originally scheduled for September 12, 2023 but was postponed until October 10, 2023 due to a medical emergency.

**REVIEW & INTER-AGENCY COMMENTS:**

The County has solicited comments from other agencies and has received comments from the following entities.

- **ROADS & UTILITIES:** The Public Works Director had the following comments 8/21/23 (also attached as a letter):
  - Title block for plans submitted read concept

- Preliminary submittal should include Improvement Plans. No plans were received.
  - Access permits will be required for S5000W and W2250S
  - All lots will need to access from interior subdivision roads
- **FIRE PROTECTION:** The proposal for more than two lots triggers a requirement for a fire suppression system. Teton County Fire Marshal has made the following comments:
    - Approved for fire department access only. Teton County Fire Marshal still needs the flow rates for the hydrants.
  - **WASTEWATER TREATMENT:** The applicant has coordinated directly with EIPH and received Preliminary Approval as of 06/06/23.
  - **PLANS & STUDIES:** The Waterbird Breeding, Migration, Foraging and Wintering Habitat Overlay and Wetlands and Waterways Overlay triggered the need for a natural resource analysis and wildlife habitat assessment. A Nutrient Pathogen Evaluation was also required because of the Wetlands & Waterways Overlay.
  - **PROPOSED LAYOUT:** Because these parcels are within the Waterbird Breeding, Migration, Foraging and Wintering Habitat Overlay and Wetlands and Waterways Overlay, building envelopes may need to be identified in the preliminary plat depending on the findings from the Natural Resource Analysis. *The NRA provided did not suggest placing building envelopes.*

**SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE**

Idaho Code, Title 67, Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Code. The public hearing for the Planning & Zoning Commission was duly noticed in the Teton Valley News on September 20, 2023 and September 27, 2023. A notification was sent via mail to surrounding property owners within a 300-foot buffer area on September 6, 2023. A notice was also posted on the property providing information about the public hearing on September 25, 2023.

**PUBLIC COMMENT:**

Staff has not received any public comment as of 10/3/23.

**CRITERIA FOR APPROVAL**

The Planning and Zoning Commissioners shall only approve if it finds that all of the following criteria (9-3-2(C-8)) have been met (or if it finds that some of the criteria have not been met, may recommend approval with conditions that would ensure that the proposed development meets the criteria):

<p><b>Objective:</b> 1. The application is consistent with the Comprehensive Plan.</p> <p>The application is in compliance with current ordinances in relation to lot size and lot number calculation following Title 8-3-3-B. The Teton County Comprehensive Plan defines Rural Agriculture zones as low density residential, with provisions for clustering/conservation developments to protect natural resources or rural character. This proposal could satisfy these requirements set forth by the Comprehensive Plan.</p>
<p><b>Objective:</b> 2. The application complies with all applicable county regulations.</p> <p>The application appears to comply with the zone district and setback requirements.</p>
<p><b>Objective:</b> 3. If the application is for a PUD, it complies with any regulations applicable to PUDs under Chapter 5 of Title 9, including without limitation regulations controlling the types and locations of open space to be included in the development and the required design and size of development clusters. If the</p>

<p>application is for a Planned Community PUD, the application adequately mitigates any impacts identified in those additional studies required by Section 9-3-2(C).</p>
<p>The application is not for a PUD.</p>
<p><b>Objective:</b> 4. The application includes trails and pathways as required by Section 9-4-2(B-4) to the maximum extent feasible.</p>
<p>There are no adopted trails and pathways on this property, and there are no proposed trails for the project.</p>
<p><b>Objective:</b> 5. The application is consistent with the results of any Nutrient-Pathogen Study required for the property and includes any conditions or changes required to avoid any potential degradation of surface or groundwater identified in that study.</p>
<p>A Nutrient Pathogen Study was provided, DEQ found that the evaluation concurs with the finding of the report. The evaluation indicated that there will be no significant degradation to the ground water or surface water from the individual subsurface disposal systems if construction per the current Individual Subsurface Sewage Disposal Rules IDAPA 58.01.03 and the Technical Guidance Manual.</p> <p>The NP Evaluation concluded that a total of 600 gpd of wastewater generation is allowed on each lot.</p> <p>A technical review of the NP Evaluation has been completed. The review by HDE indicated there would be negligible impacts. A plat note should be added indicated that 600 gpd of wastewater generation is allowed per lot per the NP Evaluation.</p>
<p><b>Objective:</b> 6. The application is consistent with the recommendations of any report on the adequacy of the proposed sewage system for the development and includes any recommended mitigation measures identified in that report.</p>
<p>The applicant has received preliminary approval from EIPH for this project as of 06/06/23. Individual site specific evaluations may be required prior to issuing septic permits for individual lots.</p>
<p><b>Objective:</b> 7. The application is consistent with any Traffic Impact Study required for the property and will not result in a decrease in the level of service (for example, from the level of service B to C) on any State Highway or a maintained county road and includes any mitigation measures recommended in the Traffic Impact Study.</p>
<p>The application did not trigger a Traffic Impact Study. A TIS is usually triggered with the creation of ten or more lots or when the PZC, BoCC or Administrator believe the development will have an impact on road conditions.</p>
<p><b>Objective:</b> 8. If the application is for land that is not adjacent to a state highway or a maintained county road, the applicant will bear the costs of constructing roads to connect the proposed development to at least one state highway or a maintained county road, and adequate for anticipated traffic, and will be constructed to County Road Standards.</p>
<p>The project is proposing access from two access points, one off 5000 W (major collector road) and 2250 N (minor neighborhood road). Public Works has stated that access location needs to be approved through a County Access Permit through Road &amp; Bridge.</p>
<p><b>Objective:</b> 9. If a Natural Resources Analysis is required, the proposed development will avoid all mapped Overlay Areas (except the AV Airport Vicinity Overlay Area), or will minimize any unavoidable impacts to the mapped Overlay Areas to the maximum extent feasible and mitigate any unavoidable impacts. In the case of land located in the WH Overlay Area, the duty to avoid or mitigate impacts on habitat areas shall only apply if the wildlife habitat assessment reveals evidence of an indicator species or the presence of indicator habitat, and shall only apply to portions of the parcel where the evidence or habitat is found.</p>
<p>A Natural Resource analysis was provided completed by Cleve Booker. The analysis claims that since this is cultivated cropland, there are limited available habitat for indicator wildlife species. It is suggested that the owner replant the parcel with drought tolerant grasses and forbs species commonly used for the USDA Crop</p>

Reserve Program. Mitigation measures regarding lighting, pet control, and wildlife friendly fencing were recommended to include in CC&Rs.

Commission should consider if the report is adequate, complete and accurate and if the design review criteria have been met. TCC 9-3-2(c-2-c-wh).

**Objective:** 10. The required Public Service/Fiscal Analysis shows that all public services provided to the proposed subdivision or PUD have adequate capacity to service it, or if they do not, the applicant has committed to mitigation or financing to ensure that those services and facilities will be provided within two (2) years after the first unit in the development is occupied and that any shortfall of tax revenues below the costs of providing the services or facilities will be covered without cost to the County.

A Public Service/ Fiscal Analysis for this proposal was not required because the proposal is for less than 20 lots.

**Objective:** 11. The application is consistent with any Capital Improvements Plan (CIP) adopted by the County.

All applicable fees based on the Impact Fee Program (2008 CIP) will be assessed at the time of building. The 2008 adopted CIP indicated this area was suitable for 30 units per 100 acres or .3 du/ acre. 7 lots per 144.5 acres could meet this density ratio.

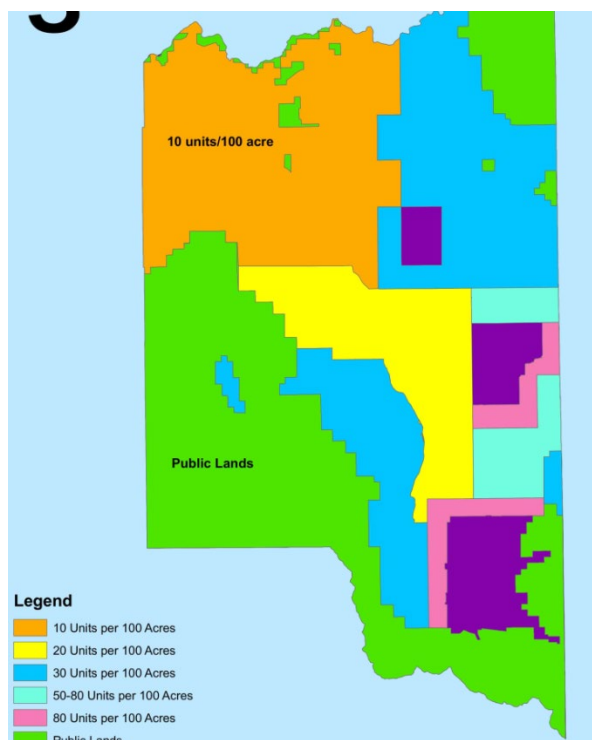


Figure 5. 2008 adopted CIP

**Objective:** 12. An adequate institutional structure has been created to ensure that long-term maintenance costs of roads, water, sewer, and drainage systems will be collected from within the development and used to maintain such items. If the chosen structure relies on payments of dues (for example, through a homeowners' association) rather than taxes, the county shall be granted the institutional power to enforce payments of those dues in the event the organization fails to do so.

CC&Rs have been provided. They include a list of development and land use restrictions.

**Objective:** 13. If land ownership boundaries or natural terrain features make it impossible for the application to meet all of the criteria outlined in Section 9-3-2(C- 3), the application shall meet as many of the criteria as possible.

There is no floodplain on the property. Staff has not identified any other health, safety, or general welfare concerns.

**Objective:** 14. In addition to the above, for a Planned Community PUD, the application is consistent with the recommendations of any report on the adequacy of the school system to accommodate school-aged children anticipated by the development and includes any recommended mitigation measures identified in that study. If the applicant is obligated to pay an impact fee for schools, then mitigation measures identified in the report will not be required.

N/A

**CONSIDERATIONS:**

PZC should consider if the NRA is complete, accurate and adequate (9-3-2-(c-2-c-wh)) and if the Design Review Criteria have been met:

Design Review Criteria: A development application shall only be recommended for Board approval if the Commission finds that the Natural Resources Analysis (including Wildlife Habitat Assessment, Impact Analysis and Mitigation Plan, and Land Management Plan) is complete, accurate, and adequate. Specific guidelines include, but are not limited to, the following:

- (a) Building envelopes shall be located:
  - (1) To minimize fragmentation of any functional, intact areas of native vegetation and indicator habitat; (amd. 05-11-10)
  - (2) To avoid rare landscape elements such as unique rock formations, sheltered draws or drainage ways, or other features, and locate buildings near areas containing more common landscape elements;
  - (3) To maintain connections among fish and wildlife habitats and to protect sensitive fish and wildlife breeding areas;
  - (4) To provide adequate buffers between any building envelope for a habitable building and; (amd. 05-11-10)
  - (5) Any wildlife migration corridors identified through the wildlife habitat assessment and;
  - (6) Any fish or wildlife breeding areas or big game wintering habitat identified through the wildlife habitat assessment. (amd. 05-11-10)
  - (7) The buffer distance and configuration shall be determined by a qualified person who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and similar disciplines and shall be designed to minimize the effect of planned development and infrastructure (including roads, pathways, and trails) on use of the habitat or migration corridor by the indicator species. (amd. 11-14-08)

**CONDITIONS OF APPROVAL:**

1. Financial surety of 125% of the cost estimate is also required. *Required before a BoCC Prelim hearing can be scheduled.* The current letter for a bond proposal is insufficient. The Cost Estimate must also be stamped by the engineering firm.

2. Receive access permits from R&B before final plat for W 2000 S & W 2250 S (for final plat approvals)
3. Confirm proposed flow rates for fire suppression system for hydrants.
4. Address public works comments:
  - a. Title block for plans submitted read concept
  - b. All lots will need to access from interior subdivision roads
5. A plat note should be added indicated that 600 gpd of wastewater generation is allowed per lot per the NP Evaluation.
6. The development agreement should be updated to reflect the current Teton County Development agreement template. *Before BoCC Preliminary hearing can be scheduled.*

**PLANNING & ZONING COMMISSION ACTIONS**

- A. Recommend approval of the Preliminary Plat, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Recommend approval of the Preliminary Plat, with modifications to the application, or adding conditions of approval, having provided the reasons and justifications for the approval and any modifications or conditions.
- C. Recommend Denial of the Preliminary Plat application and provide the reasons and justifications for the denial.
- D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

**MOTIONS**

The following motions could provide a reasoned statement if a Commissioner wanted to move recommending to approve or deny the application:

**APPROVAL**

Having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-C can be satisfied, I move to RECOMMEND APPROVAL of the Preliminary Plat for Skyline View Ranch Subdivision as described in the application materials submitted on July 10, 2023, and additional information attached to the staff report. (with the following conditions of approval...)

**DENIAL**

Having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-B have not been satisfied, I move to RECOMMEND DENIAL of the Preliminary Plat for Skyline View Ranch Subdivision as described in the application materials submitted on July 10, 2023, and additional information attached to the staff report, based on the following findings:

The following could be done to obtain approval:...

- 1.....

**CONTINUATION**

I move to continue the public hearing for Skyline View Ranch Subdivision Preliminary Plat in order to obtain additional information from the applicant or other agencies *for the following hearing date and time...*

Prepared by: Claire Lazes, Associate Planner  
 Jade Krueger, Planning Administrator

---

**ATTACHMENTS:**

- A. Application (4 pages)
- B. Narrative (4 pages)
- C. Preliminary Plat (2 pages)

- D. Development Agreement (4 pages)
- E. CC&Rs (4 pages)
- F. Improvements Plan (10 pages)
- G. EIPH Letter (9 pages)
- H. Natural Resource Analysis (31 pages)
- I. Nutrient Pathogen Evaluation (4 pages)
- J. Engineer Review (1 page)
- K. Water Right Report (2 pages)
- L. Nutrient Pathogen Evaluation (62 pages)
- M. Nutrient Pathogen Technical Review (1 page)
- N. Fire Marshal Comments (2 pages)
- O. Cost Estimate (1 page)

**End of Staff Report**